

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Simpson, et al.

Serial No.: 09/993,116

Filed: November 14, 2001

Confirmation No.: 6990

Group Art Unit: 2178

Examiner: Stork, Kyle

Docket No. 10008206-1

For: **System for Identifying and Extracting Text
Information Using Web Based Imaging**

REPLY BRIEF UNDER 37 C.F.R 41.41

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U.S. Patent & Trademark Office
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Sir:

This is a Reply Brief in response to the Examiner's Answer dated March 9, 2007.

I. STATUS OF THE CLAIMS

Claims 37-42, 44, 46-54, 56, 57, and 59-66 are pending in the present application. The Examiner's Answer maintains the rejections of the claims and generally repeats the arguments advanced during prosecution of this application along with providing comments to the Appeal Brief (in the Response to Arguments Section, page 11 of the Examiner's Answer). With regard to the substantive remarks of the Examiner's Answer, Appellants disagree. Appellants will address some issues raised in the Examiner's Answer. Appellants continue to repeat, re-allege, and incorporate by reference the positions and arguments set forth in the Appeal Brief.

II. ARGUMENTS

The Examiner Answer provides the following rebuttal comments on page 12 (emphasis added):

Additionally, the examiner is not equating default portal templates to a composition store, as the appellant appears to argue (page 13). Instead the default portal templates (paragraph 0045; Figure 3, item 102) are populated with associated content (paragraph 0045; Figure 3, item 104). This associated content is the composition store.

Appellants respectfully submit that the "associated content" is not the same as, or equivalent to, a **composition store**. Further, Appellants respectfully note that the equating of "associated content" with composition store is first being presented in the Examiner's Answer. The Advisory Action dated August 28, 2006 alleges that the "default template 102 determines the manner in which one or more graphics are mapped into a series of web pages." (emphasis added). The Final Office Action dated May 19, 2006, on page 3, alleges the following (reproduced on page 4 of the Examiner's Answer, emphasis added):

A composition store, wherein the composition store comprises one or more compositions that determine the manner in which the one or more graphics are

mapped into a series of web pages (paragraph 0045: Here, the composition store stores templates specifying how the user specific graphics populate the template)

Thus, it appears that the Examiner is alleging that the “associated content” is the ***composition store***. Claim 37 requires that a ***composition store*** “comprises one or more compositions that determine the manner in which the one or more graphics are mapped into a series of web pages.” According to the Advisory Action, the default templates “determine the manner.” Thus, based on the above allegations, one would expect that the “associated content” comprises the default templates. However, there is nothing in *Gudorf* that discloses, teaches, or suggests such a feature. Paragraph 0045 of *Gudorf* is cited on page 4 of the Examiner’s Answer (page 4), and provides as follows (emphasis added):

[0045] The user characterization database 96 is accessed by a publisher of a web site, depicted as a portal provider 100, to personalize default portal templates 102 with associated content 104. In particular, the portal provider 100 provide matches associated content 104 with the user characterization database 96 to populate a selected default template 102 with personalized on-line content 106.
[sic]

It appears that the portal provider populates default templates, but there is nothing to suggest that the associated content 104 comprises the templates. Indeed, it is unclear from the disclosure what the associated content 104 entails. Accordingly, Appellants respectfully request that the rejection be overturned for at least the reason that a *prima facie* case for obviousness has not been established.

With regard to the API and OCR features of the claim, Appellants respectfully repeat, re-allege, and incorporate by reference the positions and arguments set forth in the Appeal Brief.

With regard to the motivation to combine, the Examiner’s Answer provides as follows (page 13):

The appellant further argues that this motivation is insufficient based upon the belief that neither reference provides a “teaching or suggestion in the references or art of record to use separate servers for the graphics store and composition

(page 15).” However, the examiner is not relying upon the art to provide separate servers for graphics and composition stores.

To provide a context for this allegation, Appellants have reproduced the above-referenced paragraph (on page 15) of the Appeal Brief below:

Additionally, Applicants respectfully disagree with the assertion on page 4 of the FINAL Office Action that it “would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have combined Gudorf’s system with Gudorf’s servers, since it would have allowed for greater processing performance and storage capacity (paragraph 0024).” Even assuming that greater processing performance and storage capacity would result, that assertion alone simply not a sufficient basis to assert obviousness since there is no teaching or suggestion in the references or art of record to use separate servers for the ***graphics store*** and ***composition store***.

Appellants do not quite understand the above assertion from the Examiner’s Answer made with regard to this reproduced Appeal Brief paragraph. The argument reproduced above from the Appeal Brief addresses Appellants’ position that there is insufficient basis to find obviousness the separate servers for the ***graphics store*** and ***composition store***, which are features claimed in claim 37. If the position is that the art of record is not being used to make obvious the use of separate servers, then Appellants respectfully submit that a *prima facie* case of obviousness has not been presented as to at least these features, and hence respectfully request that the rejection be overturned on this additional ground.

With regard to the improper hindsight issues addressed on pages 13 and 14, Appellants respectfully repeat, re-allege, and incorporate by reference the positions and arguments set forth in the Appeal Brief.

With regard to the remaining claims, similar arguments apply to like limitations found in other claims.

III. CONCLUSION

Based upon the foregoing discussion, the Appellants respectfully request that the Examiner's final rejection of claims 37-42, 44, 46-54, 56, 57, and 59-66 be overruled and withdrawn by the Board, and that the application be allowed to issue as a patent with all pending claims.

No additional fee is believed to be due. However, any additional fee that may be due or required is authorized to be charged to deposit account no. 08-2025.

Respectfully submitted,

/dr/

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